

RAILROAD COMPANY—ALABAMA, FLORIDA, & GEORGIA.

PETITION

OF

THE ALABAMA, GEORGIA, AND FLORIDA RAILROAD  
COMPANY,

*Asking a donation of the Public Lands, &c.*

FEBRUARY 2, 1835.

Read, and referred to the Committee on Road and Canals.

*To the honorable the Senate and House of Representatives in Congress  
assembled :*

The petition of the Alabama, Georgia, and Florida Railroad Company,  
showeth :

That the said company has obtained charters from the Legislature of Alabama and the Legislative Council of Florida, authorizing the construction of a railroad from the city of Pensacola to the Chattahoochie river, at or near the town of Columbus, in the State of Georgia, a distance of two hundred and twenty miles, and at the estimated cost of two millions of dollars.

That the said company has been duly organized as provided for in its charter ; that it is now prepared to fulfil the conditions of the said charter ; and that, in order to enable it to complete this great undertaking, your petitioners would humbly request such aid and assistance from your honorable body, by the way of donations of lands, as your wisdom may direct.

Your petitioners would also state, that the completion of a railroad from Pensacola to Columbus would afford great additional facilities of communication between New York, Washington, and other Atlantic cities, and the cities of New Orleans, Mobile, &c.

That it would exhibit another link in the great chain of communication by railroads between the Atlantic and the Gulf of Mexico ;

That it would aid materially in the defence of the maritime frontier of the Gulf of Mexico, by furnishing, with great celerity and certainty, troops and munitions of war from the interior of the country.

Your petitioners therefore pray that six hundred thousand acres of land may be donated to the said company on the following conditions, to wit, to be located in sections and fractional sections.

That the said company shall cause to be transported, free of all expense whatever, all troops of the United States, and all munitions and implements of war thereto belonging.

That the said company shall transport the mail or mails of the United States between Columbus and Pensacola at one-fourth part of the sum required to transport the same by land on the ordinary roads in wheel carriages, or free of all expense if required.

And your petitioners would pray that the right to pass through the public lands belonging to the United States may be accorded to them, and that the said company may have privilege of using such lumber, and other materials, as may be found on the said lands for the construction of the said road, and for no other purpose.

And your petitioners will ever pray.

By order of the directors of the Alabama, Georgia, and Florida Railroad Company :

WM. H. CHASE,  
*President of the Board of Directors.*

PENSACOLA, January 5, 1835.

AN ACT to incorporate the subscribers to the Alabama, Florida, and Georgia Railroad Company.

*Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be established a company with a capital of one million five hundred thousand dollars, with the privilege to increase the same to two million five hundred thousand dollars, divided into shares of one hundred dollars, for the purpose of constructing a rail, Macadamized, or other artificial road from or near the town of Columbus, in the State of Georgia, to the line between Alabama and the Territory of Florida, in the most eligible direction to the city of Pensacola, in said Territory of Florida.

SEC. 2. *Be it further enacted,* That books of subscription to the capital stock of said company shall be opened under the superintendence of the following named commissioners, viz. John A. Cameron, Robert Mitchell, Samuel W. Oliver, Starke Hunter, George Stonham, Daniel McDougal, James C. Watson, William McMahon, Jefferson Buford, Eli Townsend, Wilson Ashley, Robert Joyner, Charles C. Keyser, Byrd C. Willis, Jasper Strong, James Catlin, Jackson Morton, John Hunt, Joseph Forsyth, Seaborn Jones, John Forsyth, jr., William H. Chase, Walter Gregory, Hanson Kelly, John Innerarity, Henry Hyer, Thomas M. Blount, George W. Barkley, Charles Le Baron, John H. Parker, and Walker Anderson, or a majority of them, at such place or places, and at such time as a majority of them shall direct; and the said books shall continue open until the whole amount of stock is subscribed for.

SEC. 3. *Be it further enacted,* That the subscriptions for said stock shall be paid as follows, to wit: twenty-five cents on each share at the time of subscribing, and the remainder at such times as the directors shall appoint: *Provided,* That no more than ten per cent. shall be called in at any one time: *And provided, also,* That thirty days' notice shall be given for the payment of each instalment.

SEC. 4. *Be it further enacted*, That the said commissioners, or a majority of them, shall, after the said stock has been subscribed for, give public notice for the election of eight directors, who shall be stockholders, at such place and time as they, or a majority of them, shall direct; and the stockholders shall meet at the place so designated at the time appointed, and proceed to the election of the said directors, to serve for one year, or until their successors are elected; the directors so elected shall, within five days thereafter, meet and take an oath or affirmation before a justice of the peace, that they will well and truly discharge the duties of their office; the said directors shall then immediately proceed to elect a president from their own body, and shall have power to fill all vacancies occasioned either by death, resignation, or otherwise, until the next annual election. Five directors shall form a quorum; the directors, or a majority of them, shall have power to determine where the meetings shall be permanently held, and the place so designated shall be the place for the transaction of the business of the company, and where all its records shall be kept.

SEC. 5. *Be it further enacted*, That the subscribers to the said stock, their successors and assigns, shall be, and are hereby, created a corporation, by the name and style of the Alabama Florida and Georgia Railroad Company; and, by such corporate name, shall be capable in law to buy, purchase, hold, and convey both real and personal estate, as far as the same may be necessary for the purpose of effecting the objects of the corporation hereby created, to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have and use a common seal, and the same to alter and renew when they may deem it necessary or expedient, and to do and perform all other lawful acts and things incident and pertinent to a corporate body, which may be necessary and proper for the convenient transaction of its affairs; to make its own by-laws, which said laws shall be valid in all cases, provided they shall not be inconsistent with the constitution and laws of the United States, or of this State; and the said company shall at such time and place as they may in the by-laws prescribe, hold annually an election for eight directors, who shall annually, immediately after their election, elect a president from their own body. The president and directors, when elected, shall have power to appoint such officers and subordinate agents as they may deem necessary; and shall be capable of exercising such powers and authority for the well government and good order of the affairs of the company as to them shall appear conducive to its interests: *Provided*, That nothing in this act shall be so construed as to authorize the corporation hereby created to exercise banking privileges in any manner whatever.

SEC. 6. *Be it further enacted*, That for the purpose of electing directors, and for all purposes where the votes of the stockholders are required, each share shall count one vote, and the stockholders not residing at the place where the elections or meetings shall be held may vote by proxy. Any number of stockholders holding two thousand shares, or upwards, shall have power to call a general meeting of the stockholders, by giving thirty days' notice in the papers published at Pensacola, and such other places as they shall deem proper.

SEC. 7. *Be it further enacted*, That the company by this act created

shall have full and exclusive power to construct and use a rail, Macadamized, or other artificial road, commencing on the Alabama line, north of the city of Pensacola, passing over the most eligible and direct route, through the counties of Conecuh, Covington, Dale, Henry, Butler, Pike, Russell, and Bourbon, to the Chattahoochee river, opposite or near the town of Columbus, in the State of Georgia, with such branches or lateral roads as the said company may deem necessary on the east side of the said road; and also to own vessels and coaches for the transportation of passengers, goods, wares and merchandise, packages, produce, and all other things whatsoever; and they shall have the right for all tolls on the whole lines of said road and branches: *Provided*, That whenever the said company, in the construction of the said roads authorized by this act, shall find it necessary to cross or intersect any established street or other way, they shall provide such fixtures as will afford free passage for transportation of persons or property along the said road, street, or other way. And when it shall be necessary to pass the said road or its branches through the lands of any individual, it shall be the duty of the said company to provide for such individual proper fixtures for crossing said road or its branches, at the expense of the said company: *And provided, also*, That nothing in this act shall be so construed as to prevent any future Legislature of this State from exercising the right to incorporate a company to construct a railroad, from any point on the Alabama or Tensaw rivers, to intersect said railroad: *Provided*, That nothing in this act shall be so construed as to compel the said company to carry the said road through all the counties herein mentioned; but they are hereby authorized to select such route as may be deemed most eligible, through any or all of the said counties, as said company may think advisable.

SEC. 8. *Be it further enacted*, That it shall and may be lawful for the president and directors of said company, or their proper constituted agents, to take from any land most convenient to said road or its branches, at all times, such timber, stone, or other materials, as may be necessary for the construction of and keeping in repair the said road or its branches: *Provided*, That nothing belonging to private individuals shall be taken without adequate compensation, to be determined in the manner hereinafter provided.

SEC. 9. *Be it further enacted*, That whenever it shall become necessary for the said company to take possession of and use any land, timber, stone, or other materials, owned by private individuals, for the route or site of said road or its branches, or for the construction and keeping in repair the said road or its branches, or any part thereof, and if the parties do not agree on the value of the same, it shall and may be lawful for the president and directors of said company, or their proper authorized agent or agents, on giving ten days' notice at least in writing to the party owning the same, or to his, her, or their agent, to apply to the judge of the circuit or county court for a writ of *ad quod damnum*, directed to the sheriff to summon five disinterested freeholders, of lawful age, to meet and value the said property on oath, to be administered by the judge, marshal, sheriff, or other officer summoning the same, whose duty it shall be to attend in person the said inquest, and receive their report; and, also, to receive from the said president and directors, or their agents, the sum or sums of money awarded by the persons sum-

moned as aforesaid, and pay over the same to the person or persons entitled to receive it, or to his, her, or their agents or attorneys; it shall be lawful for the said company to take possession of and use such land, timber, stone, or other materials, but all the expenses and costs incurred by the writ *ad quod damnum* shall be paid by the president and directors of said company: *Provided*, That the appraisers shall not be allowed more than two dollars each per day, while engaged in such duties.

SEC. 10. *Be it further enacted*, That all property so assessed and paid for by the president and directors, or their agents, agreeably to the provisions of this act, and all donations made to and for the same, shall forever afterwards belong to and become the property of the said company, their heirs, successors, and assigns, in fee simple, in proportion to the shares owned respectively.

SEC. 11. *Be it further enacted*, That it shall and may be lawful for the president and directors of the said company, and their superintendents, engineers, artists, workmen, laborers with carts, wagons, or other carriages, with their beasts of draught and burden, and all necessary tools or implements, to enter upon the lands contiguous or near to the tracts of the intended road, or its branches, first giving notice of their intention to the owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damage that may be sustained by the owners of such grounds, by appraising in the manner hereinafter directed; and upon a reasonable agreement with the owners, if they can agree, or, if they cannot agree, then upon an appraisement to be made by three indifferent persons, or a majority of them, to be appointed by any justice of the peace for the district in which such lands shall be situated, and, on tender of the appraised value, to carry away any timber, wood, shells, sand, or earth, there situated, most convenient for making the said road or its branches.

SEC. 12. *Be it further enacted*, That the president and directors of said company shall have a right to demand and receive such tolls and fees for the transportation of goods, wares, produce, passengers, and every other article and thing on said road or its branches, as may be established from time to time by the by-laws of said company: *Provided*, That the tolls or fees shall not be increased at any time by the president and directors of said company, without public notice being given; and the said company shall continue to receive such tolls and fees as, from time to time, shall be established by its by-laws, as long as the road or its branches shall be kept in sufficient order and repair by the company, their heirs, successors, and assigns, for the transportation aforesaid; and all produce, goods, wares, merchandise, and other articles and things, shall be liable for tolls and fees with which they may be respectively chargeable, and may be detained until the owner or owners of the same, or persons having charge thereof, shall pay the toll so fixed as aforesaid, or may distrain any part of such goods, wares, merchandise, and other articles and things, sufficient, by the appraisement of two credible witnesses, to satisfy the same; which distress shall be kept by the collector of tolls, taking the same for the space of eight days, and afterwards shall be sold by public auction, at the most public place in the neighborhood, to the highest bidder, in the same manner and form as goods seized for rent are sold by law, rendering the surplus on demand, if any there be,



after payment of the said toll and cost of distress and sale, to the owner or owners thereof: *Provided*, That the nett profits of said company shall never exceed twenty per cent. in any one year upon the amount of capital invested in said road.

SEC. 13. *Be it further enacted*, That if any person or persons shall wilfully, by any means, injure, impair, or destroy any part of said road, or its branches, constructed by and under this act, or any of the necessary works, buildings, machines, wagons, vehicles, or carriages, such persons shall be liable to be indicted, and, on conviction, shall be fined and imprisoned, at the discretion of the court and jury; and, moreover, liable to an action for damages, at the suit of said company, in any court having cognizance thereof.

SEC. 14. *Be it further enacted*, That any stockholder owning ten shares in the capital of said company, and being a citizen of the United States, shall be capable of serving as a director. No director shall be entitled to any emolument, but the directors may make such compensation to the president, for his extraordinary attendance to the affairs of said company, as to them shall seem reasonable.

SEC. 15. *Be it further enacted*, That the stock of said corporation shall be assignable and transferable, according to such rules as shall be prescribed in that behalf by the laws, regulations, and ordinances of the same.

SEC. 16. *Be it further enacted*, That yearly dividends shall be made of so much of the profits of said company as shall appear to the directors advisable; and once in every year the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the affairs of said corporation, and of the surplus profits, if any, after deducting losses and dividends.

SEC. 17. *Be it further enacted*, That if any stockholder shall fail or neglect to pay any instalment required to be paid, for the period of ten days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and a new subscription shall be opened to make up such deficient shares; and, further, that no transfer of the stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the corporation, which books of transfer shall be kept at such places as the directors shall appoint.

SEC. 18. *Be it further enacted*, That the president and directors of said company shall keep a book in which all proceedings of the board shall be entered and recorded, as well as the number of votes, including the yeas and nays on every question, (when the same shall be demanded by a member of the board,) with the names of the voters. Any three or more of the stockholders may, within one month preceding each election, examine the said book at a convenient time, on application made by them for that purpose to the president of said company.

SEC. 19. *Be it further enacted*, That the said company shall commence the said work within two years, and complete the same within ten years; and at the expiration of fifty years from the passage of this act, and every ten years thereafter, the State of Alabama shall have the right of taking the whole of the said stock as the property of the State of Alabama, upon paying in cash the par value of the stock of said company.

*Provided*, That the State of Alabama reserve to itself, or to such company as may at any time hereafter be incorporated, the right to construct rail or other branches from the one contemplated by this act, to any point on the Alabama or Chattahoochie rivers, free of toll, charge, or expense.

I certify the above to be a true copy of the charter passed by the Legislature of Alabama on the 4th December, 1834.

WM. H. CHASE,

*President of the Alabama, Georgia, and Florida Railroad Company.*

SAVANNAH, January 24, 1835.

DEAR SIR : It is but a few days since I wrote you ; but as I feel a deep interest in a work which, when accomplished, must be very beneficial to Florida, I trust you will excuse my being so troublesome. I enclose you a copy of the charter granted by the Legislature of Georgia ; it is merely an act of incorporation, as you recommended. We have applied to the Legislative Council of Florida for the right to open a road, or construct a railroad or canal from some point on the river St. John's, or its tributaries, to the Gulf of Mexico, the river Suwanee or its tributaries ; to enjoy said road exclusively for the use of the Atlantic and New Orleans Seaboard Line Company, subject to such regulations as they think proper ; and that no road for similar purposes to be allowed within ten miles on either side of the route we establish ; and asking for the usual quantity of public land, to aid in its construction, granted on such occasions ; if a common road, to commence in twelve months ; if a railroad or canal, to commence in five years. My object in writing you is to know if Congress will not grant the Atlantic and New Orleans Seaboard Line Company ten or twenty thousand dollars, to aid in the construction of the road we may open through the territory. Its accomplishment will be of vast importance to the Government, besides raising the value of public lands. If possible to obtain, please apply ; or shall we send you a memorial ? We opened books to take stock on the 19th, but it moves very slow ; we want some assistance from Government, to make it more popular.

With high respect,

Your most obedient servant,

RALPH KING.

Hon. J. M. WHITE, *Washington.*

## LAWS OF GEORGIA.

AN ACT to incorporate the Atlantic and New Orleans Seaboard Line Company.

Whereas Joseph Cumming, S. B. Parkman, George Hall, Robert Hershman, Ralph King, William Duncan, and others, have, by their petition, represented that, with a view to establish a shorter, more safe, and expeditious route from the Atlantic seaboard to New Orleans than the

one around the Cape of Florida, they have formed themselves into an association, under the name and style of the Atlantic and New Orleans Seaboard Line Company, and, in order to ensure and establish their said association in a permanent and effectual manner, so that the attainment of their object may be more facilitated, have prayed the Legislature to grant them an act of incorporation.

*Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same.* That the said Joseph Cumming, Samuel B. Parkman, Ralph King, William Duncan, and their associates, be, and they are hereby, declared a body corporate, by the name and style of the Atlantic and New Orleans Seaboard Line Company, and by the said name shall have perpetual succession of officers and members, with power, by their said corporate name, to sue and be sued, plead and be impleaded, and of using all necessary and lawful means for recovering or defending any property, debts, or demands, which they may have, or claim, in behalf of said company; to hold real and personal estate, and have and use a common seal, and the same at pleasure to alter or change, and with power to make, alter, change, and amend such by-laws as may be necessary and agreed upon by the said company : *Provided*, Such laws be not repugnant to the constitution and laws of this State; and the said corporation are hereby invested with all the usual privileges, powers, advantages, and rights of incorporated companies.

SEC. 2. *Be it further enacted by the authority aforesaid*, That the capital stock of said company shall be the sum of two hundred and fifty thousand dollars, to be divided into shares of five hundred dollars each, with liberty to increase the said capital stock to one million of dollars.

SEC. 3. *Be it further enacted by the authority aforesaid*, That subscriptions for constituting and collecting the stock of said company shall be opened in the city of Savannah, on the third Monday in January next, under the direction and superintendence of Joseph Cumming, S. B. Parkman, and Ralph King, a majority of whom shall be competent to discharge the duties hereby devolved upon them; the books of subscription shall be kept open for the space of one month, if that time shall be required for filling up said subscriptions, and the sums subscribed for shall be payable in manner following, viz. ten per cent. at the time of subscribing, and the balance of the sum so subscribed at such time or times as the directors of the company may require and direct: *Provided*, That sixty days' notice of the time at which payment be required to be made shall be given in one of the gazettes of Savannah.

SEC. 4. *Be it further enacted by the authority aforesaid*, That if there should be a failure in the payment of any sum subscribed, when the same is or may be required to be paid as aforesaid, the share or shares on which such failure shall happen shall be forfeited, and may be again sold and disposed of, as the directors shall order and provide; the sum which shall have been paid shall accrue to the benefit of said corporation.

SEC. 5. *Be it further enacted by the authority aforesaid*, That, for the well ordering of the affairs of said corporation, there shall be five directors elected by the stockholders of said company, under the superintendence of said commissioners at Savannah, so soon as ten per cent. of the capital stock of said company shall have been received on account of subscriptions of said stock, of which thirty days' notice shall be given by the



abovenamed commissioners, and the persons duly chosen shall continue in office until the first Monday in February next ensuing the time of such election; and the same number of directors shall be elected annually at the city of Savannah, on the said first Monday in February, on each and every year thereafter, by the stockholders; and the said directors, at their first meeting of such election, shall choose one of their number as president; and in case of his death, resignation, or removal from the State, or from the board of direction, the said directors shall proceed to fill the vacancy by a new election for the remainder of the year: *Provided*, That in case it should happen at any time that an election of directors should not be made at any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold an election of directors on any other day, in such manner as shall have been regulated by the by-laws or ordinances of said corporation.

SEC. 6. *Be it further enacted by the authority aforesaid*, That the directors for the time being shall have power to appoint such officers, clerks, and servants, as they may deem necessary, and allow them such compensation for their services, respectively, as they may deem reasonable.

SEC. 7. *Be it further enacted by the authority aforesaid*, That, in the election of directors, each stockholder shall be entitled to one vote for each share of the capital stock held by him or them: *Provided*, That, no stockholder shall be entitled to more than one hundred votes; that the stockholders may vote in elections by proxy, but no person but a stockholder shall be eligible as a director.

SEC. 8. *Be it further enacted by the authority aforesaid*, That the majority of the directors shall constitute a board for the transaction of business, of whom the president shall be one, except in cases of sickness or necessary absence; in which case his place may be supplied by any director, to be elected president *pro tem.* by a majority of the board present.

SEC. 9. *Be it further enacted by the authority aforesaid*, That the treasurer of said company shall give bond and security to the satisfaction of the directors, and for such amount as they deem proper.

SEC. 10. *Be it further enacted by the authority aforesaid*, That the directors shall have power to issue to the subscribers their certificates of stock, which shall be transferable on the books of the treasurer only by the personal entry of the stockholder, or his legal representative or attorney, duly authorized by special power for that purpose.

SEC. 11. *Be it further enacted by the authority aforesaid*, That no contract or engagement whatever shall be binding upon said corporation unless the same shall be signed by the president and countersigned by the secretary of said corporation.

SEC. 12. *Be it further enacted by the authority aforesaid*, That dividends of the profits of the corporation, or so much as shall be deemed expedient, shall be declared and paid half-yearly, the amount of such dividend to be determined from time to time by a majority of the directors at a meeting to be held for that purpose, but shall in no case exceed the nett profit actually accrued by said corporation, so that the capital stock shall never be impaired.

SEC. 13. *Be it further enacted by the authority aforesaid*, That the directors shall keep fair and regular entries of their proceedings, which shall be produced at any meeting of the stockholders of said company, which

meeting may be called at any time by the persons owning one-third of the capital stock of said company, giving sixty days' notice of the time and place of such meeting in one of the public gazettes of Savannah; and, at any such meeting, the persons owning a majority of the shares of the capital stock of said company may determine that the business of the said corporation shall be closed, and its affairs wound up.

**THOMAS GLASCOCK,**

*Speaker of the House of Representatives.*

**JACOB WOOD,**

*President of the Senate.*

Assented to, December 20, 1834.

**WILSON LUMPKIN,** *Governor.*